



Paper No. 4

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AUG 30 2002

In re Application of  
Drummond et al.  
Application No. 10/064,440  
Filed: 15 July, 2002  
Attorney Docket No. 122081

OFFICE OF PETITIONS  
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: DECISION GRANTING  
: PETITION  
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This is a decision on the petition filed on 6 August, 2002, requesting that the above-identified application be accorded a filing date of 15 July, 2002, with seven (7) sheets of drawings containing Figures 1-8 described in the specification as a part of the original disclosure.

The petition is GRANTED.

The application was filed electronically via the Office's Electronic Filing System (EFS) on 15 July, 2002. On 24 July, 2002, however, Initial Patent Examination Division mailed a Notice of Incomplete Nonprovisional Application, stating that the application had not been accorded a filing date because the application had been deposited without drawings.

Petitioners assert that seven (7) sheets of drawings were submitted with the original application EFS submission on 15 July, 2002. In support, petitioners have included a copy of the Acknowledgment Receipt, with a time stamp date of 15 July, 2002, acknowledging receipt of, *inter alia*, "Figures1\_2.tif"; "Figure3.tif"; "Figure4.tif."; "Figure5.tif"; "Figure6.tif"; "Figure7.tif", and "Figure8.tif". Petitioners therefore assert that Figures 1-8 of the drawings were received by the Office on 15 July, 2002.

Upon a review of the Office EFS database, seven (7) sheets of drawings containing Figures 1-8 have been located among the files received on 15 July, 2002.

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As this petition appears to have resulted from an error on the part of the USPTO rather than the applicant, the petition fee will be credited to counsel's deposit account, No. 06-1130.

The application will be processed and examined using the copies of the seven (7) sheets containing Figures 1-8 printed from the Office's retained copy of the EFS submission. The copy of the seven (7) sheets of drawings and other application papers supplied with the present petition will not be used for processing or examination, but will be retained in the application file.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of 15 July, 2002, using the application papers filed on that date, including the seven (7) sheet of drawings containing Figure 1-8 located in the application file.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6918.



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for Patent Examination Policy